

App. Serial No 10/538,371
US020563 US

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In the Drawings:

Please find attached one Replacment Drawing Sheet for entry, Figures 1-3. The Figures correspond those filed on Dec. 12, 2002 with provisional application No. 60/432,756.

Attachmct: One Replacement Drawing Sheet.

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Remarks

Claims 1-16 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The instant Office Action dated May 17, 2007 indicated an objection to the drawings, and listed the following rejections: claims 1, 4, and 7 stand rejected under 35 U.S.C. § 102(b) over Rickard *et al.* (U.S. Patent No. 6,041,397); claims 1-3 and 5-11 stand rejected under 35 U.S.C. § 103(a) over Shemla *et al.* (U.S. Patent No. 5,809,557) in view of Brown *et al.* (U.S. Patent No. 5,916,309); claims 12-13 and 15-16 stand rejected under 35 U.S.C. § 103(a) over Shemla in view of Brown; and claim 14 stands rejected under 35 U.S.C. § 103(a) over Shemla in view of Brown and further in view of Fadivi-Ardekani *et al.* (U.S. Patent No. 6,496,916).

Regarding the objection to the drawings, Applicant has attached one replacement drawing sheet, Figures 1-3, as indicated on page 2 of this paper. According to 37 C.F.R. § 1.57, if all or a portion of the specification or drawings is inadvertently omitted from an application, a benefit claim of a prior-filed provisional application shall also be treated as an incorporation by reference of the prior-filed application as to the inadvertently omitted portion. Figures 1-3 on the attached replacement drawing sheet correspond to the Figures that were filed with provisional application No. 60/432,756 to which benefit was properly claimed and acknowledged, and Figures 1-3 were inadvertently omitted from the instant application. Thus, Applicant requests that Figures 1-3 be entered and that Figures 1-17, which are currently in the instant application, be canceled. Therefore, Applicant submits that the objection to the drawings has been addressed and Applicant requests that it be removed.

Applicant respectfully submits that the Section 102(b) rejection of claims 1, 4 and 7 cannot stand because the cited portions of the Rickard reference do not correspond to each claim limitation. For example, the cited portions of the Rickard reference do not teach a controller that receives a partition parameter from an application and to partition memory in dependence thereof. *See, e.g.*, Col. 1:25-43. Applicant submits that there is no teaching or suggestion in the Rickard reference that corresponds to the claimed

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controller that receives the asserted blocking parameter. Instead, the Rickard reference appears to be directed toward linking split buffer pairs in a larger buffer. *See, e.g.,* Summary of the Invention. As such, the cited portion does not appear to teach any specific controller because it appears to be merely addressing general concepts of buffering without providing details in the specific implementations thereof. Therefore, Applicant requests that the Section 102(b) rejection of claims 1, 4 and 7 be withdrawn.

Applicant respectfully traverses the Section 103(a) rejections of claims 1-3 and 5-16 (each of which is based upon Shemla in view of Brown) because 1) the asserted combination of references does not correspond to the claim limitations and 2) there is no reason to combine the references in the manner asserted by the Office Action.

The Office Action is improperly attempting to combine the references in a manner that is unsupported by the references when viewed as a whole. *See, e.g.,* M.P.E.P. § 2141. Moreover, the combination is improper because the only reason to combine the references is based upon an illogical combination and motivation thereof. This approach is contrary to the requirements of Section 103 and relevant law. "A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007).

The Office Action asserts that it would be obvious to modify the circuit of Shemla to partition the memory based on a partitioning parameter as taught by Brown for the benefit of improved memory utilization. This combination overlooks the context of the references and results in an illogical combination. More specifically, the Shemla reference is directed to a hardware implemented multiple FIFO array that includes memory (12) being partitioned into N sections with N write pointer registers (18) each corresponding to one of the N FIFOs. A write MUX (14) with N write inputs is coupled to each of the N write pointer registers (18). *See, e.g.,* Figure 1 and Col. 1:34-57. The Examiner's asserted combination attempts to make the number partitions N a dynamically adjustable variable. Applicant respectfully submits that neither reference teaches or suggests that such dynamic allocation is possible in the hardware implementation of the Shemla reference. For example, Shemla's multiple FIFO array is designed with a fixed number of partitioned sections N, with a corresponding number of

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write pointer registers and read pointer registers required to access each of the partitioned sections N. While different circuits may contain a different number of partitioned sections from one another, any one circuit has a fixed number of partitioned sections. As such, the circuit taught by Shemla is not capable of dynamically partitioning the memory and would be incompatible with the partitioning parameter as taught by Brown because the general discussion of the Brown reference does not teach or suggest any circuit that would function with the cited circuit of the Shemla reference. Thus, Applicant submits that the Office Action has merely identified elements of two references without viewing the combination of references as a whole.

Accordingly, because the asserted combination would not function to provide the dynamic functionality relied upon by the Office Action, the rejections are improper because 1) the combination asserted by the Office Action does not correspond to the claim limitations, and 2) one of skill in the art would not find any reason to modify the Shemla reference with the teachings of the Brown reference as proposed by the Office Action. In view of each of the above mentioned reasons (alone or in combination), Applicant requests that the rejections be withdrawn.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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